

REMARKS

Claims 1-3 have been amended; claim 4 is original; claims 5-9 have been added; claims 1-9 are pending.

In the office action, the specification is objected to as not providing updated continuity data. In response, page 1 of the specification has been amended to traverse this rejection.

With respect to the rejection based upon the prior art, claims 1-4 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,594,806 ("Colbert"). In response, applicants present the following remarks.

At the outset, under M.P.E.P. § 2131,

[t]o anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Citing, Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 is directed toward the generation of "first" facial image information, storing the first facial information on a card, obtaining current facial image information at a gaming machine located in the casino, and comparing the first and current facial information to make sure the player attempting to play the gaming machine is, in fact, the player on the card. Colbert, on the other hand, does not teach any method of remotely like that recited in claim 1.

Colbert is directed toward generating player profiles. At best, Colbert may suggest a security system for entering or leaving a casino. But Colbert clearly does not teach or suggest comparing any type of profile, including a facial image profile, *at a gaming machine*.

Thus, Colbert clearly fails to qualify as an anticipating reference under § 2131. Further, since Colbert clearly fails to teach or suggest comparing facial image data stored on a card and facial image data generated at a gaming machine, Colbert in no way could provide a basis for an obviousness rejection under the requirement set forth in M.P.E.P. §§ 2142 and 2143.

An early action indicating the allowability of this application is respectfully requested.


The Commissioner is authorized to charge any fee deficiency required by this paper, or credit any overpayment, to Deposit Account No. 13-2855.

Respectfully submitted,

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By:



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